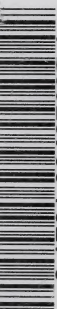


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THE  
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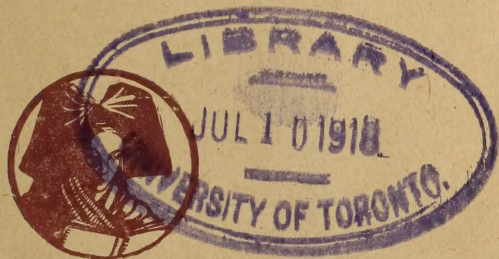
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ON THE APPLICATION OF THE RIGHTS  
OF PEOPLES  
TO THE ALSACE-LORRAINE QUESTION

BY

**P.-G. LA CHESNAIS**

*Member of the Comité Central*



PRICE : **25** centimes.

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THE PLEBISCITE PROBLEM

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# THE PLEBISCITE PROBLEM

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## THE RIGHTS OF NATIONS

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The French Revolution has not only proclaimed the right of the man and the citizen. It has also founded the doctrine of the rights of nations.

France began by revealing her national unity to herself. One of the greatest dates in the Revolution was the 14th of July 1790, first anniversary of the capture of the Bastille. On that day took place what was called the Fête de la Fédération, which, despite the nobility and bishops, and the king, and the Assemblée Nationale, was the consequence of a prodigious burst of enthusiasm which over-ran the entire country. It began by festivities held on all hands

by provincial federations which in their hundreds of thousands marched on foot to Paris, delegates from all the provinces : Bretons, Alsatians, Provençaux, etc., who came solemnly to renounce their old customs and privileges, and to take the oath of fidelity to the same law. Thus it was ascertained that there was a French nation and that France contained no element which did not belong to that nation, justifying the saying which, a little later, was frequently uttered : « France, one and indivisible ».

And so was defined, not in theory, but by a striking deed, what constitutes a nation in fact. The French nation was based on the understanding of its citizens' wishes.

With the universal spirit customary to them the French have not limited to themselves the application of the national idea thus defined. France at once recognised to other countries the sovereignty, unity and indivisibility she attributed to herself. This gave rise to the following declaration :

« The French nation declares that it renounces to take part in all wars of conquest, and that it will never use its power against the liberties of any peoples. » In 1793, Condorcet, in the name of the Girondins, gave further precisions : « The French Republic will only take to arms to maintain its liberties, to preserve its territories and in the defense of its allies. It solemnly renounces the adjunction of foreign countries, unless it be by the freely-emitted wish of the majority of their population and only in such instances where countries

soliciting this connection are not incorporated or bound to another nation, by virtue of a social agreement expressed in a previous and freely-consented-to constitution. »

The two declarations do not in the least contradict each other. But why does the second go into new points which had undoubtedly appeared superfluous in the first? The reason is explained by new events. The war. Valmy. Even from England, whose government seemed ready to attack France, addresses of sympathy from important associations arrived in great number. The people disavowed governments which were opposed to her. Some, even, expressed the wish to be united to her. Such was the case of Savoy and the Germans on the left bank of the Rhine, others besides.

In presence of Savoy's formal request the Convention was embarrassed. It hesitated. At last it gave its consent « after having recognised that the free and universal wish of the sovereign people of Savoy, as emitted in the assemblies of its parishes, is to be incorporated with the French Republic, and the argument which appeared to be decisive was the impossibility not to defend Savoy against its masters, after she had thus parted from them ».

In those days France was not ambitious for extension and annexations. The exultation of her patriotism could be detrimental to no other nation. She desired to found the rights of nations, doubtless as a complement to the rights of man. Europe had faith in her disinte-

restedness. In 1792, with Romantic exaggeration, Michelet, in his history, gives this title to his chapter on foreign addresses and requests for incorporation with the Republic : « The world offers itself to France. » In point of fact there existed, indeed, confidence and admiration which occasionally attained material gifts, and the recognition which goes to the moral beauty and spiritual generosity of which France gave proof is due also to the trust other nations put in her. Such are rare moments in the course of history modestly forgotten during more common-place periods, and which are recalled in face of facts again inciting to feelings of enthusiasm. A decree was even passed to this effect : « In the name of the French nation, the Convention declares that it will grant fraternity and assistance to all peoples desirous of freedom, and commissions the executive to empower the generals to give assistance to these peoples and to defend citizens who have been counteracted, or may be, in the cause of liberty. »

This decree went too far. Intoxicated, as they were, the Revolutionaries lost all sense of moderation, and in a hankering after propaganda which was still pure of conquest, they opened the way, unwittingly, to a course which became dangerous when they lost the direction of events. Since, we have known Napoleonic Imperialism. But the Republican pacific doctrine on peoples' rights was definitely settled and had taken deep root in all minds.

The Constitution of 1848 only needed to recall it in its preamble :

« The French Republic respects foreign nationalities, as it understands that the French nationality should be respected; it undertakes no wars in view of conquests, and never directs its power against the liberties of any peoples. »

In practice French politics have not always been in agreement with these principles, not even since the first Empire. Far from it. It must, however, be recognised that they have often been inspired by them, even when the governments of France acted undemocratically. Greece was delivered of the Turkish yoke without any consideration of profit on the part of England and France. Refugees of oppressed nationalities have always found a harbour in France and England, but especially in France. After 1830 there was a real invasion of Poles. France's share in Italian unity has been considerable and it would be unjust to attribute it entirely, or even chiefly, to interest. It is true that the annexation of Nice and Savoy was a remuneration for the help rendered by Napoleon III. But the annexation of these countries, which was ratified by a plebiscite, was quite natural since, in 1792, they had spontaneously asked to be joined to France so it could not have been the objective in the action in favour of Italy. Finally, France obtained the official recognition of peoples' rights in international treaties, notably in the treaty of Prague, in favour of the Danes of Northern Slesvig.

In 1870 this record already constituted a long tradition. The French definition of a nation was one of the essential elements in the system of ideas known

under the name of democracy. A new legal code had thus been formed of which democratic France had been the pioneer and remained the champion. The conception of the right of peoples to dispose of themselves had sunk deep into the country's conscience and formed part of its mentality. It had become, according to Renan's expression, « our dogma » when the treaty of Frankfort was forced upon France.

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## THE VIOLATION OF RIGHT IN 1871

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Lorraine, partly joined to France in the sixteenth century, partly again in 1766, and Alsace, joined to France in 1648 and in 1681, were thoroughly French. They had taken part wholeheartedly in the Fête de la Fédération, and in a report to the Constituante on October 28th 1790, Merlin of Douai declared : « The people of Alsace have joined France because they wanted to; it is, therefore, their desire, and not the treaty of Munster, which has effectuated or legitimised the union. » In this wise every opportunity was taken advantage of to proclaim the doctrine.

Whether the national feelings of the Alsatians and Lorrainians have their origin in a near or in a distant past, or whether they were determined by adhesion to the Revolutionary movements is of little import here. What is certain is that, since these feelings were publicly vented in 1790, they have never been denied in one or other of the provinces. There are incalculable evidences of this loyalty to France on the part of Alsatians

and Lorrainians. It obtained such ample recognition, was so patent, that their French quality could not be questioned and that, in 1815, the diplomats of Europe, though none too favourable to France, swept aside the pretensions of Prussia desirous of amputating it of Alsace and Lorraine in particular.

What the European coalition in 1815 did not do Prussia, acting alone on behalf of the newly-formed German Empire, was able to realise without obstacles in 1871.

Vanquished France knew she had to pay and considered this but just and natural. At that time the government's responsibility in the war was considered almost complete; the fault was, therefore, her's for having put up so long with a form of government from which she was at last freeing herself. She was quite prepared to come to terms with her vanquisher, even if he imposed an extremely harsh treaty, provided only her deeper convictions and her sense of right were not wounded.

The movement of protest was essentially popular. It began by turning on the conservative classes and against the reactionary assembly who wanted to conclude peace at any price. Alone the Alsatians were unanimous : without distinctions of party they adhered to the declaration recalling the principles of the Revolution a reading of which was given by Keller :

« Alsace and Lorraine do not wish to be alienated. Unanimously the citizens who have stayed in the country and the soldiers who joined the colours, those by voting,

these by fighting, have announced to Germany and to the world the immutable desire of Alsace and Lorraine to remain French soil. France cannot consent to, and sign, the cession of Lorraine and Alsace. An assembly, even when emanating from universal suffrage, cannot invoke its sovereignty to cover or ratify demands destructive to national integrity : it would assume a right which does not even belong to the people assembled in its comices. Such excess of power, which would have for effect to mutilate the common mother, would denounce those who are guilty of it to the justified strictures of history. France may suffer the consequences of force; she cannot sanction its decrees. Europe can neither permit nor ratify the surrender of Alsace and Lorraine. Guardians of the rules of justice and the rights of nations as they are, the civilised countries can no longer remain unmoved by their neighbour's fate without exposing themselves, in their turn, to the assaults they have allowed. Modern Europe cannot permit a people to be captured like a flock of cattle... in the interests of her own safety she should prohibit such abuse of power... In virtue of which we call our fellow-citizens in the whole world to witness that, in advance, we take for null and void all deeds and treaties, vote or plebiscite, which would consent to the surrender, in favour of a foreign country, of our provinces of Alsace and Lorraine. We here proclaim the henceforth inviolable right of the Alsatians and Lorrainians to remain members of the French nation, and we swear on our own as on our constituents' behalf, on that of our children and their offspring, to revindicate it eter-

nally, and by all manner of means, in the face of all usurpers. »

But in the remainder of the Assembly alone the Republicans supported the Alsatians : Victor Hugo, Benoit Malon, Louis Blanc, Edgar Quinet, etc.

« We declare », said they, « we declare the National Assembly and the whole country powerless to make of a single one of its constituents a subject of Prussia; whitt you we consider null and void any deed or treaty, vote or plebiscite, surrendering any part whatever of Alsace or of Lorraine. »

Meanwhile France, occupied as far as the Loire and almost as far as distant Brittany, and lacking an army, could not continue the struggle. The Assembly ratified the treaty of Francfort : « France renounces all her rights and claims on the territories situated East of the frontier, and specified hereafter, in favour of the German Empire. » The Assembly appointed by universal suffrage consented to the violation of right imposed upon it by might. Edgar Quinet demonstrated the contradiction and the tragedy contained in this surrender. France saw herself constrained to inaugurate the Republic while disowning the great democratic principle she had formulated on peoples' rights. How can one be surprised if the result has been a weakening of democracy at home, and a justified resentment towards Germany?

For this must be understood : The loss of Alsace and part of Lorraine has affected France not for the material loss, nor even so much for the humiliation, but because it is a violation of right. Material losses can be

forgotten in a country enterprising enough to secure compensating successes. But the violation of right lasts and the wound does not heal. It must also be remembered that democratic rights were injured, and that progress in the democratic spirit rendered the forcible annexation of territory increasingly inadmissible.

Meanwhile France had given its official consent. She had signed the treaty of Frankfort and was, therefore, withheld from any right to protest. She might say that the treaty had been forced upon her by violence. But is that a reason for nullity in international intercourse, where constraint through war-fare has, hitherto, been a regular and normal method of action? Having signed the treaty France had to respect it and that is what she has done. She remained pacific. But this treaty, though faithfully carried out by the French, has never been recognised by them as expressing an agreement in their wishes and could not be.

The position of Alsatians and Lorrainians in the annexated countries was different. Their rights remained intact since they had protested against annexation.

That alone is important. The desire on the part of the French to see Alsace-Lorraine restored to France might easily be taken simply for a national ambition. It cannot be considered as a right. What legitimises this wish is that it is shared by the Alsatians and Lorrainians. The French historian Fustel de Coulanges has, in his letter of the 7th of October 1870 to the German historian Mommsen proved perfectly that the right lies

with the wishes of the people occupying the smallest piece of territory, and not in the pretensions of a strong state. In this wise Fustel de Coulanges tears the mask off the old theory that might is right, hidden under a false definition of nationality, and this theory of right by might he opposed to the modern democratic doctrine as follows :

« You invoke the principle of nationality, but you interpret it differently from all the rest of Europe. According to yourself, the principle would authorise a powerful state to take possession of a province by force, on the sole condition of affirming that the province is inhabited by the same race as that state. According to Europe and common-sense, it simply authorises a province or people to refuse to obey a foreign master against her wish... This principle may give rights to Alsace, but gives you none over her. »

The illustrious scholar, who was neither a utopist nor a Revolutionary, gave singularly vigorous precision to the judicial aspect of the problem :

« We of the nineteenth century possess principles about public right which are infinitely more explicit and indisputable than your pretended principles about nationality. Our principle is that a people can only be governed by freely-accepted institutions; and that it should only form part of a state by its own consent. Such is the modern principle. Nowadays it is the unique basis of order; whoever is at once partial to peace and a partisan of humanity's progress, must endorse it. Whether Prussia would have it so or not, that principle will triumph in

the end. If Alsace is and remains French that is because she wishes to be. »

In this wise Fustel de Coulanges connected the right of peoples to the democratic principle of which he considered it an application. Its formulæ recall those of the Declaration of Independence by the United States in which, thirteen years before the French Revolution, it was contended that all governments only hold their legitimate powers in virtue of the consent granted by the governed.

Meanwhile, on October 27th 1870, Fustel de Coulanges wrote to protest against Prussia's intentions, while the recently-proclaimed Republic organised the defences. In his desire to affirm the Alsatians' and Lorrainians' wish to remain French, he based his argument on a number of historical facts whose significance certainly was sufficiently patent to every open mind, but which did not supply an unquestioned judicial plea for the application of the new right. He showed, merely, that Prussia had to prove the Alsatians' and Lorrainians' desire to become German, that alone this formally-expressed wish could legitimise the annexation, while history proved sufficiently the entirely French national feelings of these peoples. But that if, in the face of annexation, the Alsatians and Lorrainians had adopted a passive attitude, if they had bowed before the accomplished fact without energetic and general protest, this would still not have sufficed to justify Prussia, but would have created some doubt as to the force and unanimity of their desires.

Now they did solemnly protest, and that is the circumstance which, for the Alsatians and Lorrainians, constituted an unquestionable judicial plea. From their point of view annexation was a violation of right, a violence to which they had to submit.

This Alsatian and Lorrainian protest brought before the National Assembly by the unanimity of the deputies in the annexated countries, who were elected prior to the annexation, but while the German armies occupied the country, and the German government was beginning to take its quarters therein, was perfectly valid. It was, moreover, renewed.

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## THE RESTORATION OF RIGHT

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In 1874, the *Reichsland*, which was divided into fifteen constituencies, was, for the first time, authorised to send representatives to the Reichstag. These fifteen deputies' first step was to delegate one of themselves, Edouard Teutsch, to read the unanimous protest against the annexation.

The inexplicable silence on the part of the bishop of Strassburg, Mgr Raess, had not belittled the force of Teutsch's declaration :

« In the name of the Alsatians and Lorrainians, who have been betrayed by the treaty of Frankfort, we protest against the abuse of power of which our country has been the prey... Reason, no less than the most elementary principles, proclaim that such a treaty cannot be considered valid. Citizens, possessing soul and intelligence, are not goods with which it is possible to deal, and it is consequently unjustifiable to make use of them to negotiate a contract. Allowing even, as we do not, that France has the right to hand us over, the contract you produce in answer to us is not valid. A contract is, in point of fact, only valid, when freely consented-to by the two contracting parties. Now, it was with the knife

at her throat that bleeding, exhausted France signed our surrender : she was not free, she had to bow down before violence, and our codes teach us that violence is a cause of nullity in the conventions which it stains. In choosing us, such as we are, our constituents have wished to affirm their sympathies for their French *patrie* and their right to dispose of themselves... It is, alas, customary among you when, on occasion, some generously-minded man raises his voice in favour of the peoples you oppress, it is customary to shut his mouth by brutally accusing him of treason. Do not, Gentlemen, allow yourselves to be frightened by this insult : traitors to their country are those who, following an insensate political direction, despising right and justice, whatever its origin, have the courage and frankness to denounce it. »

Up to 1887 the representatives of the *Reichsland* continued in unanimous protest. No one will, I fancy, suppose that the German governors were inactive or unskillful in taking advantage of the divisions within the annexated provinces. These comprised plains and mountains, industrial and agricultural districts, some regions where French was more spoken, others where German was more general, comprising Roman-Catholics and Protestants, not to speak of numerous Jews. It will be seen that causes for dissent were frequent, that they could be easily exploited, and so they were, freely. Nothing mattered. The national feeling prevailed. The protests lasted for sixteen years, unanimously, in the direct and uncompromising manner evinced at the beginning.

Obviously, however, such an attitude could not be

indefinitely prolonged. The less so since a great number of Alsatians and Lorrainians had chosen for France, that the gaps left by the population were soon filled by a German immigration owing to which it would appear that to-day a quarter of the country's voters were of German origin. Finally, a *modus vivendi* had, after all, to be found. The protest increasingly assumed the form of a revindication for autonomy.

The Alsatians and Lorrainians were, moreover, pacifists. The representatives of their different parties said that they did not desire that a war should take place for their return to France. Several of them were desirous of a Franco-German agreement and assigned to Alsace the part of intermediary for such an understanding.

But, despite the evolution taking place in all minds, the revindication of right and the affirmation that Alsace is French country, although no longer publicly formulated, were not forgotten. All parties, in asking for autonomy, have always been careful to avoid formulæ which might have appeared to imply recognition of the annexation (1).

The immigrated Germans recognised this, were careful not to speak ill of France, and occasionally committed the imprudence to speak of a « forever German Alsace-Lorraine ». There was an idea vaguely current that violated right could be restored by pacific means and that

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(1) In an interview published in the *Dépêche de Toulouse* on April 10th 1914, M. Georges Weill, deputy for Metz, called autonomy a *pis-aller* (compromise).

the Republican autonomy and the Franco-German *rapprochement* would serve to make way for this happy solution. The idea was also that of Jaurès, for, though he was a pacifist as much as it is possible to be, he did not admit of any prescription for the reparation of violated right.

And then the war came. Again war will settle the question of fact concerning the *Reichsland*. The war will decide whether the facts will be in conformity with right.

But the war came — and it is necessary to emphasise this point — for no reason whatever directly concerned with Alsace-Lorraine. France's pacifism has been constant. She had consented to the Treaty of Frankfort and had not considered its revision at the point of the sword. She was resigned. Even the Franco-Russian alliance, which had been concluded on the *statu quo* basis, constituted, fundamentally, a new consent to the treaty. No one cared to confess it, and the Chamber was indignant with Francis de Pressensé for saying so, but it was strictly true. France has respected the treaty she had signed.

War was desired by Germany. It was declared to France without motive, without, even, the excuse of any pretext. In these circumstances it must be understood that the treaty of Frankfort has been torn up and not by France who had consented to it and had to submit to it, but by Germany herself, who had imposed it. The treaty of Frankfort having been annulled, Alsace and Lorraine are, legally, French territory as they were before

1871. They are French soil, not by virtue of the historical rights on France's part, but by virtue of the judicial claim the Alsatians have themselves earned by their unanimous protest in 1871. Such is the judicial conception to which one is logically led if the conception of peoples' rights, such as it was formulated by the French Revolution, is granted. It is after this manner that nearly everyone in France has instinctively understood the situation, for these interpretations of right are patent in this country. It is true that, in point of fact, Alsace-Lorraine is in German hands. But other invaded departments are also in German hands. They are nevertheless still considered French. The same must be the case for Alsace-Lorraine. The only difference is that the latter's occupation has lasted longer, namely : forty-six years.

It is true that this war was not unforeseen. It was hoped it would not occur, but with misgivings and anxiety. As soon as it broke out the interval between the two wars appeared simply like a truce. It is the 1870-1871 war which continues or begins again. As to the treaty of Frankfort : How can the clauses of an armistice still have weight since it has not grown into definite peace?

For this reason the general feeling in France is that Alsace-Lorraine is still and always a French country and that it would be absolutely shocking and absurd to consult its populations. It is not thought of consulting the populations of the occupied departments, is it? Why, therefore, do so for the departments of the Haut-Rhin and Bas-Rhin?

This feeling is, in itself, respectable. It is, moreover, but the popular and naïve interpretation of the judicial idea that a patent violation of the best-proved rights has occurred against France and against Alsace-Lorraine, and that no prescription can, therefore, be allowed.



## THE PLEBISCITE

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This judicial doctrine about the return of Alsace-Lorraine to France because, the Alsatians and Lorrainians having protested unanimously and regularly against their annexation by Germany in 1871, this return would be the reparation for violated right, is put into opposition with the so-called normal solution of national questions at present in suspense, namely by a plebiscite. France, having been the first to give an explicit formula to the rights of nations, is told that she owes to herself to be stricter in the application proclaimed by herself since she happens, in this particular instance, to be an interested party. She must, therefore, prove her rights which will be definitely established after the Alsatians and Lorrainians have been consulted.

The principle, in questions of territorial modifications, consists in the right of peoples to dispose of themselves. It is true that the simple notion occurring naturally to the mind for the application of this principle would be to consult the populations directly, and to organise a plebiscite. But this idea is only simple in appearance.

Let us consider, for instance, the case of Poland. Before proceeding in the plebiscite it must, first of all, be decided who shall vote, that is to say, which inhabitants of which territory. To draw limits to the territory is,

therefore, a first necessary operation which must be made prior to the plebiscite. Now it happens that this first operation constitutes the entire difficulty. As soon as this has been resolved, nothing more would have to be done and the plebiscite would be unnecessary, for it is well known that in the defined territory the great majority of the population would vote for an independent Poland.

This instance — illustrative of the case in general — shows, first of all, that if it were advisable to solve the problem about Alsace and Lorraine after the same fashion as other national questions, this similitude would in no way entail the necessity of a plebiscite, for the plebiscite is not at all the normal solution of these problems it is supposed to be.

These examples show, moreover, that the question of Alsace-Lorraine is clearly different from that of other national questions. In the case of Poland, of certain Slavonic countries, of northern Slesvig, frontiers must be defined. Every national territory shows a border-line, sometimes of great width, where the hitherto oppressed nationalities are mingled to the populations of other nationalities, and the whole problem consists in defining the limits as equitably as possible. In the case of Alsace-Lorraine, on the contrary, the territory is perfectly defined in advance. It is the aggregate of the countries annexated by Germany in 1871. There is nothing to remove, nothing to add. So capital a distinction shows sufficiently that there is no similarity between the case of Alsace-Lorraine and the others.

There is, consequently, no cause for surprise if the methods suited in one case are not suited in another.

And this difference consists, precisely, in the circumstance that the Alsace-Lorraine problem is on a judicial plane. If the Alsatians and Lorrainians were not in possession of the judicial claim constituted by their unanimous protest in 1871, it might be questioned whether such and such parts of the country did not incline towards Germany while others inclined towards France, and the nationality-frontiers would have to be determined. But instead of that their country is nationally homogenous — and French.

But it is the only instance in cases of the kind. In the others, the expressions of national feeling which have often followed spoliations have never assumed the general, even character necessary to confer a judicial title to the populations of a precisely defined territory.

There must be no misunderstanding as to the significance of these remarks. They do not imply special privileges, a pre-eminence for the Alsatians and Lorrainians over and above other oppressed nations. The rights of all are equally respectable, and the Alsatians and Lorrainians, numbering no more than two millions, do not claim that the injustice to which they were subjected holds a bigger place in the world than the injustices committed with other national groups. Their case is unique simply because it appears under another aspect, because it is on judicial ground. And that is why the problem of Alsace-Lorraine must be studied apart.

But, since the interested territory happens to be in

this special position, being perfectly defined, may it not be said that all difficulties for calling a plebiscite give way, and that, consequently, this method would suit Alsace-Lorraine not imitatively, but, on the contrary, particularly?

Let us consider how it could be called. First of all the electors must be defined. We will eliminate those of German origin, for we must consult the Alsatians and Lorrainians only, not the immigrants. The operation is awkward for there are already many immigrants' sons and voters of mixed origin. Must these be included or excluded? Then there is a far more serious difficulty. We must collect the votes of those Alsatians who chose for France in 1871 or who re-assumed French nationality in the course of forty-six years of German occupation. A great many of these may be retraced in recognised Alsatian associations, in Paris, in Normandy, in Algeria. But the majority could not be reached as they are spread over the world, particularly in the United States. We would also, have to count the voices of the sons of emigrated Alsatians and Lorrainians, still more difficult to trace than their fathers. Finally, the undertaking seems almost out of the question.

It is, moreover, perfectly useless as the result of the vote is ascertained in advance. It is very difficult to know the exact number of Alsatians who reassumed French nationality from 1872 to 1914, of those who have assumed a third nationality for the sake of remaining in Alsace without being German, of those who enlisted in the *Légion Etrangère* and then returned to their country

and so on, — the votes in the categories must be regarded as ascertained. But if to these are added Alsatians who have emigrated since the war, about 16,000 of whom have enlisted in the French army, it may be said that the total would approach the number of votes in Alsace itself, might even exceed it, and it is ascertained that a crushing majority of Alsatians and Lorrainians would vote for France. In that part of Alsace which has been re-conquered, among 62,000 inhabitants 53 have chosen German nationality.

Why, therefore, insist on a vote the result of which is ascertained in advance and which, moreover, would only be the repetition, about as faithfully as it could be made, of the protesting elections in 1871, since the same voters, or their most authentic representatives, would be sought out? It would be an unavowed return to the judicial doctrine. It would be undignified to connive in such a farce.

No, will perhaps be said, that is not what we want! The population as it is at present constituted in Alsace-Lorraine must be consulted. The electoral lists are all ready. Alone the electors need mustering.

The undertaking, in that case, becomes very easy. But its significance would be misleading. With immigrants and sons of immigrants about one quarter of the suffrages would be German. Which means that Germany had only to make the sojourn in their country still more unbearable to eliminate a larger number of native-born subjects and ascertain a majority with the immigrants taking their place. Such a method would truly

be a reward to a *régime* of oppression. Alone Alsatians and Lorrainians should be consulted.

And they must all be, whether present or absent. Should those who left the country be regarded as bad Alsatians because they were too French? Indeed, frequently love for the big country was strongest among those who were most attached to the smaller and numerous have been those who, at first, could not make up their minds to leave the native soil and who did so after all to follow their sons to France when these reached the age for military service. Can the right to vote be refused these and their children? To exclude them would be to acquiesce in the injustice suffered by their country.

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## CONCLUSION

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The first point, in conformity with the rights of nations, is, that the problem of Alsace-Lorraine concerns, before everything, the Alsatians and Lorrainians. It belonged to them to utter the decisive word simply affirming their nationality. For every « legal government has its origin in the people, has for basis the people's will, is constituted for the good of all, and owes its power to the consent of those it governs (1) ».

Now, in the unanimous protest in 1871 the Alsatians and Lorrainians did express their views. No defect of form can be alleged against the elections of the representatives of Alsace-Lorraine who voiced this protest since they were supervised by the German authorities. As to the protest itself, it cannot be desired more categorical. The Alsatians and Lorrainians do not wish to be governed by Germany. They are French. During forty-six years they have been submitted to an illegal government.

The Alsace-Lorraine problem is the business of the Alsatians and Lorrainians. It must be added : of all

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(1) Constitution of Louisiana 1879. This text, which was compiled without regard for national questions, though it answer them so perfectly, shows how intimately connected are the rights of nations and the democratic concept, that they belong to a same system of ideas which is in opposition to the system of authority and the so-called right of might.

Alsations and Lorrainians. For all were united in the protest. If they have separated, some staying at home, others emigrating, they have not ceased to be loyal, these and those, to the little mother-country. Emigration was the consequence of the violence suffered by their country. To ignore the emigrants would be equivalent to ratifying this violence.

Thus the plebiscite, were it to exclude emigrated Alsations, but include immigrated Germans, would offend all sentiments of justice. And were it organised by consulting all possessing claims and they only it would be but a futile repetition of the 1871 vote. The idea of a plebiscite thus understood implicitly contains the confession that the problem has already been settled by the protest read before the national assembly.

Therefore, whatever be the manner of considering it, one always comes back to this : Alsace-Lorraine is French by the express wish of the Alsations and Lorrainians as positively declared by them in 1871. Alsace-Lorraine has never ceased being legally French. Might had, it is true, prevented right from obtaining concrete realisation. But might growing weaker, right remains, and facts must conform to this change.

All this is not a theory invented for the occasion. It is the strict application of the rights of nations formulated by France five quarters of a century ago, which she has elevated into a dogma, and which are now recognised by almost the entire world.

It is true that there is no second instance of such an application. All other national problems claim less

simple solutions. This is because Alsace-Lorraine is the only oppressed people whose revindication rests on precise judicial titles and it is, indeed, not surprising that the first example of a national question placed on a judicial basis, should occur in the country which has been the first to define the new rights.

But we live during a period of systematic compromise. The judicial sense has been much obliterated. So, occasionally, people are heard to contend that the pure and simple return of Alsace-Lorraine to France would be, indeed, a perfectly correct application of principles, adding, however, that this application, though correct, would not be universally understood, and that France would do well not to take advantage of this right, and to prove her moderation and her desire for conciliation by consenting to a plebiscite.

Must it again be recalled that it is not a question of France's rights, but of those of the Alsatians and Lorrainians? If it were a matter of contest between France's and Germany's rights *over* Alsace, it might be proposed to examine — although it should be normally incumbent upon Germany to furnish the proof of the renunciation of Alsatians and Lorrainians to the French nationality — whether France could not take upon herself to prove the Alsatians' loyalty. But that is contradictory : there can be no rights *over* Alsace-Lorraine and which would rest on the wishes of the Alsatians and Lorrainians.

There is no toying with judicial questions. France cannot consent to the plebiscite because she would thus

deny all value to the 1871 protest, which would amount to recognising it retrospectively in law at the very moment when the treaty of Frankfort would be annulled in fact. And it is absurd to exact from France, just when her lost provinces will again be restored to her, to begin by imposing a plebiscite upon them and which they, with good reason, would take as an offence.

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